

The Honorable James L. Robart

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON

SEATTLE DIVISION

KATHERINE MOUSSOURIS, HOLLY MUENCHOW, and DANA PIERMARINI,
on behalf of themselves and a class of those similarly situated,

Plaintiffs,

v.

MICROSOFT CORPORATION,

Defendant.

Case No. 2:15-cv-01483-JLR

**[PROPOSED] RULE 502(D) ORDER
REGARDING THE DISCLOSURE OF
PRIVILEGED AND PROTECTED
INFORMATION**

**ORDER GOVERNING DISCLOSURE OF DEFENDANTS' DOCUMENTS
PURSUANT TO FEDERAL RULE OF EVIDENCE 502(d)**

THIS MATTER, having come before the Court upon Plaintiffs Katherine Moussouris, Holly Muenchow, and Dana Piermarini's and Defendant Microsoft Corporation's joint application for an order pursuant to Rule 502(d) of the Federal Rules of Evidence; and

IT APPEARING to the Court that entry of this Rule 502(d) Order will enable Defendant to produce documents to Plaintiffs while still asserting that the documents are subject to privilege or work product protection without fear that production to Plaintiffs will constitute a waiver; and

IT FURTHER APPEARING to the Court that entry of this Rule 502(d) Order will limit further expenditure of time and resources by the Court and the parties; and for good cause

shown;

It is, therefore, hereby,

ORDERED as follows:

1. Defendant's production of any documents previously listed on its privilege logs or otherwise containing attorney client or work product privileged materials shall not constitute a waiver of any privilege or protection with respect to the subject matter of those documents in this or any other proceeding.

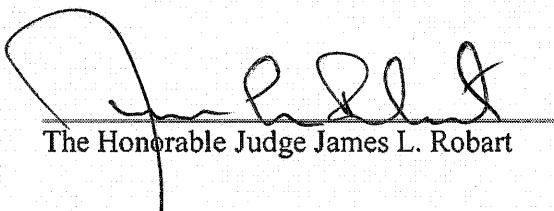
2. The production of documents previously listed on Defendant's privilege logs or otherwise containing attorney client or work product privileged materials shall not estop Defendant from asserting in this or any matter that any such document is subject to privilege or protection.

3. Pursuant to Rule 26 of the Federal Rules of Civil Procedure, Defendant bears, and retains, the burden of establishing the privilege or protection of any documents, including those produced and previously listed on Defendant's privilege logs. In the event Defendant asserts by motion the privilege or protection as to any documents produced, Plaintiffs will file any identified documents under seal until the Court rules on Defendant's motion.

4. This Order shall be interpreted to provide the greatest protection allowed by Federal Rule of Evidence 502, or otherwise permitted by law.

SO ORDERED.

DATED: 15 February 2017


The Honorable Judge James L. Robart